

05/MAY/2009

FILED
09 MAY 19 PM 3:50
RICHARD E. KING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name Wright Richard E.

(Last) (First) (Initial)

Prisoner Number E-65871

Institutional Address P.O. Box 8501; Pleasant Valley State Prison

Coalinga, 93210

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 09 2204

Richard Edward Wright Jr.,
(Enter the full name of plaintiff in this action.)

vs.

Case No. _____
(To be provided by the clerk of court)

Bureau of Alcohol, Tobacco, Fire-
arms and Explosives; Office of
Information & Privacy; United States
Department of Justice.
(Enter the full name of the defendant(s) in this action))

**COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
42 U.S.C §§ 1983**

[All questions on this complaint form must be answered in order for your action to proceed.]

I. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement Pleasant Valley State Prison.

B. Is there a grievance procedure in this institution?

YES (x) NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES () NO (x)

D. If your answer is YES, list the appeal number and the date and result of the

1 appeal at each level of review. If you did not pursue a certain level of appeal,
2 explain why.

3 1. Informal appeal _____ N/A _____
4 _____

5 _____ 2. First
6 formal level _____ N/A _____
7 _____
8 _____

9 3. Second formal level _____ N/A _____
10 _____

11 _____ 4 Third
12 formal level _____ N/A _____
13 _____
14 _____

15 E. Is the last level to which you appealed the highest level of appeal available to
16 you? N/A

17 YES () NO ()

18 F. If you did not present your claim for review through the grievance procedure,
19 explain why. Presentation through the Institutions grievance procedure is
20 inapplicable to this particular claim. However, petitioner did seek an
21 Administrative Appeal with the Office of Information & Privacy, United
22 States Justice Department.

22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,
24 if any.

25 Richard Edward Wright Jr.; P.O. Box 8501 Pleasant Valley State Prison;
26 Coalinga, CA 93210.
27 _____

28 B. Write the full name of each defendant, his or her official position, and his or her

1 place of employment.

2 Bureau of Alcohol, Tobacco, Firearms & Explosives, United States Justice
3 Department; Washington D.C. 20226; Office of Information & Privacy, United
4 States Justice Department; 1425 New York Avenue, Suite 11050, Washington
5 D.C. 20530-0001.

6 III.

7 Statement of Claim

8 State here as briefly as possible the facts of your case. Be sure to describe how each
9 defendant is involved and to include dates, when possible. Do not give any legal arguments or
10 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
11 separate numbered paragraph.

12 On or about May 21, 2008 petitioner filed a request with the Bureau of
13 Alcohol, Tobacco, Firearms & Explosives, specifically requesting Agency
14 records that pertained to a "firing pin" designed by the gun manufacture
15 S.W.D. Inc. On June 16, 2008 the B.A.T.F.E. denied petitioner's Freedom of
16 Information request. On August 10, 2008 petitioner filed an Appeal with
17 the Office of Information & Privacy. As of today's date, petitioner's
18 appeal remains undecided. Petitioner therefore has no other remedy except
19 to file suit.

20
21
22
23
24
25 IV. Relief

26 Your complaint cannot go forward unless you request specific relief. State briefly exactly
27 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

28 Specifically, I want the Court to compel the Bureau of Alcohol, Tobacco,

1 Firearms & Explosives to release all compiled records pertaining to the
2 "firing pin" design of the S.W.D. Inc. Model M11 / Nine Millimeter.

3 _____
4 _____
5 _____
6 _____
7 I declare under penalty of perjury that the foregoing is true and correct.

8 _____
9 Signed this 1st day of May, 20 09

10 _____
11 Richard Edward Wright Jr.
12 (Plaintiff's signature)

CERTIFICATE OF SERVICE BY MAIL

Case: Richard Edward Wright Jr. vs. Bureau of Alcohol, Tobacco, Firearms and Explosives; Office of Information & Privacy, United States Department of Justice.

I, Richard Edward Wright Jr., certify: I am over the age of eighteen (18) years and I am a party to the within, entitled complaint. I reside in the county of Fresno. My address is post Office box 8501 Pleasant Valley State Prison; Coalinga, CA 93210. On May 5, 2009 I served the attached **Complaint under the Civil Rights Act, 42 U.S.C. §§ 1983**, by placing a true copy thereof, enclosed in a sealed envelope, with first class postage affixed thereto, in the United States Mail at Coalinga, California addressed as follows:

U.S. Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102-3483

Executed at Coalinga, California on May 5, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

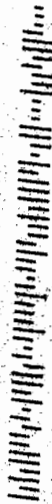

RICHARD EDWARD WRIGHT JR.

Richard Edward Wright Jr.
E-65871 / D-1-234
P.O. Box 8501 P.V.S.P.
Coalinga, CA 93210

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U.S. Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102-3483

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PLEASANT VALLEY STATE PRISON



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